

**Notice of Allowability**

Application No.

10/731,694

Examiner

Alandra N Ellington

Applicant(s)

LEES, ANDREW WILSON

Art Unit

2855

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's filing date 12/8/03.
2. ☒ The allowed claim(s) is/are 1-12 and 19-25.
3. ☒ The drawings filed on 08 December 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-12 and 19-25 are, drawn to an apparatus comprising a speed chart and a protractor, classified in class 73, subclass 178R.

II. Claims 13-15, drawn to a scale conversion ruler, classified in class 33, subclass 22.07.

III. Claims 16-18, drawn to a protractor, classified in class 33, subclass 424.

2. The inventions are distinct, each from the other because:

3. Inventions I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation.

4. During a telephone conversation with Robert Usher on 7/16/04 a provisional election was made without traverse to prosecute the invention of I, claims 1-12 and 19-25. This application is in condition for allowance except for the presence of claims 13-18 to inventions non-elected without traverse. Accordingly, claims 13-18 have been cancelled.

**DETAILED ACTION**

***Allowable Subject Matter***

5. Claims 1-12 and 19-25 are allowed.

6. The following is an examiner's statement of reasons for allowance: The reasons for allowance of claims 1-12 and 19-25 are based on the inclusion of:

a. In Claim 1, a protractor being operative to measure a velocity of wind by aligning the baseline of the protractor along a compass bearing line with the centre point of the protractor coincident with one of the markings representative of an actual ground speed of the aircraft; the protractor being operative to measure an angular deviation of wind direction from a course represented by the compass bearing line by measuring an angle of an angle indication line.

a. In Claim 19, whereby a velocity of wind is represented by a distance between the point where a compass bearing line intersects one of the plurality of speed arcs which represents a ground speed of the aircraft and a point of intersection of a deviation angle of the aircraft with one of the plurality of speed arcs which represents the airspeed of the aircraft; and whereby an angular deviation of wind direction from a course represented by the compass bearing line is represented by an angle between a tangent on that one of the plurality of speed arcs which represents the airspeed.

a. In Claim 22, whereby a velocity of wind speed is represented by a distance between a point where a compass bearing line intersects a speed arc and a point of intersection of the deviation angle of the aircraft with the speed arc; and whereby the angular deviation of the wind

direction from a course represented by the compass bearing line is represented by an angle between a tangent on the speed arc.

a. In Claim 25, a protractor being operative to measure a velocity of wind by manual sliding adjustment across the major face of the speed chart to align the baseline along a compass bearing line with the centre point of the protractor coincident with a selected one of the markings which represents an actual ground speed of the aircraft; and the protractor being operative to measure an angular deviation of wind direction from a course represented by the compass bearing line by measuring an angle of an angle indication line of the protractor which intersects the point of intersection of the angle deviation line representing a deviation angle of the aircraft with the selected one speed arc.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Chin (3,628,311) discloses a navigational calculator.
- b. Poirier (4,941,264) discloses a device for reading directly from a chart the heading to be followed by an air or sea-going vehicle.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra N Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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